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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**Medford Division**

KLAMATH IRRIGATION DISTRICT,  
Plaintiff,

v.

UNITED STATES BUREAU OF RECLAMATION; DAVID BERNHARDT, Acting Secretary of the Interior, in his official capacity; BRENDA BURMAN, Commissioner of the Bureau of Reclamation, in her official capacity; ERNEST CONANT, Director of the Mid-Pacific Region, Bureau of Reclamation, in his official capacity; and JEFFREY NETTLETON, in his official capacity as Area Manager for the Klamath Area Reclamation Office, Defendants.

Case No.: 1:19-CV-00451-CL

**STIPULATION AND UNOPPOSED JOINT MOTION TO VACATE CURRENT SCHEDULING ORDER, ADOPT PROPOSED SCHEDULING ORDER, AND CONSOLIDATE CASES**

Plaintiff KLAMATH IRRIGATION DISTRICT; and Defendants UNITED STATES BUREAU OF RECLAMATION; DAVID BERNHARDT, Secretary of the Interior, in his official capacity; BRENDA BURMAN, Commissioner of the Bureau of Reclamation, in her official capacity; ERNEST CONANT, Director of the Mid-Pacific Region, Bureau of Reclamation, in his official capacity; and JEFFREY NETTLETON, in his official capacity as Area Manager for the Klamath Area Reclamation Office (collectively referred to as Defendants), hereby jointly stipulate as follows:

1. The Discovery and Pretrial Scheduling Order (ECF No. 2) should be vacated because the parties have agreed to seek resolution of this matter on cross-motions for summary judgment per the schedule set forth below.
2. The parties have agreed to the following schedule for cross-motions for summary judgment:

August 9: Defendants' Answer

August 23: Defendants shall lodge the administrative record through a conventional filing (not through the ECF system), due to the anticipated large size of the record.

September 30: Plaintiffs' Motion for Summary Judgment

November 15: Defendants' combined Cross-Motion for Summary Judgment/Response to Plaintiffs' Motion for Summary Judgment

December 23: Plaintiffs' combined Response/Reply

January 31, 2020: Defendants' Reply

February 13 or 14, 2020: Oral argument on Cross-Motions for Summary Judgment (if one of these dates meets the Court's schedule; Plaintiff desires resolution before the 2020 irrigation season).

3. This case should be consolidated with *Shasta View Irrigation District et al. v. United States Bureau of Reclamation et al.*, Case No. 1:19-cv-000531-CL ("Shasta View"), with

this case (Case No. 1:19-cv-000451-CL) to be designated as the lead case. In support of consolidation, the parties stipulate as follows in conformance with LR 42-3:

- a. Both cases are assigned to United States Magistrate Judge Mark D. Clarke in the Medford Division of the U.S. District Court for the District of Oregon.
- b. Both cases: (i) were brought by irrigation interests within the Bureau of Reclamation's Klamath Project; (ii) involve the same Defendants; (iii) concern the operation of the Klamath Project; (iv) involve the same administrative record, with the possible exception of any supplemental documents that may be added to the record for the Fifth and Sixth Claims for Relief in *Shasta View*; and (v) raise or involve common issues of law concerning Defendants' obligations under applicable law in regard to operation of Klamath Project and related facilities.
- c. The cases are both in their early stages, with answers not yet having been filed in either case.
- d. The cases should be consolidated due to common legal issues, to conserve judicial resources and the resources of the parties, to avoid redundant efforts in separate cases, and to avoid the potential for inconsistent rulings.
- e. The cases should be consolidated for all further proceedings, including summary judgment briefing and argument on all claims pled in this case and the First through Fourth Claims for Relief in *Shasta View*, provided that separate judgments shall be entered in each case.

4. Defendants may file a single, consolidated combined Cross-Motion for Summary Judgment/Response to Plaintiffs' Motion for Summary Judgment and a single, consolidated reply in the consolidated cases or may elect to file separate briefs for each of these filings in each case.

5. This stipulation, and any order on the stipulation and joint motion, are not relevant to, and shall not be construed to represent, any admission or agreement on any issue of law or fact.

Based on the foregoing stipulation, the parties hereby jointly move and respectfully request the Court to enter an order:

A. Vacating the deadlines set by the Discovery and Pretrial Scheduling Order (ECF No. 2);

B. Setting the following deadlines:

August 9: Defendants' Answer

August 23: Defendants shall lodge the administrative record through a conventional filing (not through the ECF system), due to the anticipated large size of the record

September 30: Plaintiffs' Motion for Summary Judgment

November 15: Defendants' combined Cross-Motion for Summary Judgment/Response to Plaintiffs' Motion for Summary Judgment

December 23: Plaintiffs' combined Response/Reply

January 31, 2020: Defendants' Reply

February 13 or 14, 2020: Oral argument on Cross-Motions for Summary Judgment (if one of these dates meets the Court's schedule)

C. Consolidating this case with *Shasta View* for all further proceedings, including summary judgment briefing and argument on all claims pled in this case and the First through Fourth Claims for Relief in *Shasta View*, provided that separate judgments shall be entered in each case;

D. Designating this case (*Klamath Irrigation District v. United States Bureau of Reclamation et al.*, Case No. 1:19-cv-000451-CL), as the lead case following consolidation.

Respectfully submitted this 28th day of June, 2019.

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*\*Signed with permission given to filing attorney*

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